IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15059 of 2004

Between:

Gadeela Narsimha Reddy, s/o late Bala Krishna Reddy,
r/o Chandupatlagudem Village, Ghatkesar Mandal,
Ranga Reddy District.

..... PETITIONER

AND

1 The Deputy Commissioner of Endowments, Boggulakunta, Hyderabad.
2 The Asst.Commissioner of Endowments, Yadagiri Bhawan, Barkatpura, Hyderabad.
3 The Executive Officer, Sri Balaji Venkateshwara Swamy Temple,
Korremal Village, Ghatkesar Mandal, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus declaring the impugned order in O.A.No.57/96 on the file of the 1st respondent as illegal, arbitrary, unreasonable, violative of principles of natural justice and consequently set aside the same

Counsel for the Petitioner: MR.A.RAVINDER REDDY

Counsel for the Respondent No.: GP FOR ENDOWMENTS

The Court made the following :

-

-

-

-

ORDER:

Against the order impugned dated 19.08.2003 passed by the first respondent-Deputy Commissioner of Endowments, Boggulakunta, Hyderabad under Section 83 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987, an alternative remedy is available under the statute by way of revision. Without exhausting the alternative remedy available under the statute, the petitioner cannot maintain this writ petition.

It is relevant to note that the impugned order is a common order made in 29 O.As. declaring all the respondents therein (including the writ petitioner) as encroachers. Some of the aggrieved parties filed Writ Petitions Nos. 14898 and 14899 of 2004 and the same were disposed of by this Court on 20.08.2004 granting liberty to the petitioners therein to avail the alternative remedy under the statute. In the circumstances, I do not see any justifiable reason to take a different opinion in this writ petition.

The learned counsel for the petitioner states that the auction in respect of the land in question is scheduled to be held on 25.08.2004 and therefore, it is necessary in the interest of justice to entertain the writ petition and to protect the possession of the petitioner atleast for a limited period. Since the order impugned was passed as long back as on 19.08.003 and since the writ petition is absolutely silent about the date when the said order was served on him, I am not inclined to grant any relief as prayed for at this point of time on the said ground.

Accordingly, without expressing any opinion on merits of the case, the writ petition is disposed of granting leave and liberty to the petitioner to work out the alternative remedy as available under the statute. No costs.

25-08-2004

Note: Issue C.C. by tomorrow.

B/o

Klp

To

1 The Deputy Commissioner of Endowments, Boggulakunta, Hyderabad.
2 The Asst. Commissioner of Endowments, Yadagiri Bhawan, Barkatpura, Hyderabad.
3 The Executive Officer, Sri Balaji Venkateshwara Swamy Temple, Korremal Village, Ghatkesar Mandal, Ranga Reddy District.

4 2CCs to G.P. for Endowments, High Court buildings,

Hyderabad.(OUT)

5 2CD copies